

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
CASE NO. 7:16-cv-00332-BO

RUBY SHEFFIELD, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

BB&T CORPORATION, BRANCH
BANKING AND TRUST COMPANY,
and DOES 1-10,

Defendants.

ORDER

The Court, having considered Plaintiff's Unopposed Motion for Preliminary Approval of FLSA Collective Settlement [Doc. 68], finds that the proposed settlement of Fair Labor Standards Act claims is fair, adequate, reasonable, and that there is no evidence of fraud or collusion. The Court finds that the parties had ample time to investigate the facts surrounding their respective positions, and that prospect of protracted discovery and motions proceedings as well as the uncertainty associated with trial and appeal further illustrates the reasonableness of the proposed settlement. The Court also finds that the requested incentive award payable to the named plaintiff is reasonable. Therefore, the Court approves the Stipulation of Settlement in full.

Furthermore, upon reviewing the declaration submitted by Plaintiff's counsel and other supporting evidence and authority, the Court approves class counsel's requested


attorneys' fees, costs, and expenses to be deducted from the gross settlement amount. The Court finds that class counsel's requested hourly rates are reasonable and within the prevailing market rates for this district. The Court also finds that the hours spent by Plaintiff's counsel were reasonably necessary to prosecute this action and that the costs and expenses incurred by class counsel in prosecuting this action are reasonable. Therefore, the Court awards Plaintiff's counsel \$29,000 in attorneys' fees and \$6,500 in costs and expenses to be paid in accordance with the Stipulation of Settlement.

The Court approves the notice and communication plan contained in the Stipulation of Settlement, including the dissemination of the proposed notice and release form attached as Exhibit B to the Stipulation of Settlement, and directs that this form be disseminated within thirty (30) days after the entry of this Order. The Court further approves the use of the agreed-upon third-party administrator to send the notice and release form and otherwise implement the notice and communication plan.

In so ruling, the Court finds that this notice and communication plan is reasonably calculated under the circumstances to apprise the plaintiffs of the existence and terms of the settlement, including their right to exclude themselves from the settlement, constitutes due, adequate and sufficient notification to all persons entitled to receive notice, and meets the requirements of the FLSA, 29 U.S.C. § 216(b).

Plaintiff's Unopposed Motion for Preliminary Approval of FLSA Collective Settlement is therefore **GRANTED**.

It is so **ORDERED**, this the 8 day of February, 2018



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE